



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, Colorado 81652
www.co.blm.gov



DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

DOI-BLM-CO-N040-2015-0006-DNA

PROJECT NAME. Reissue a Grazing permit on the Riley Gulch Common and Crawford and Kerlee Allotments.

CASEFILE NUMBER. 0504804

LOCATION. Garfield County, North of Parachute, CO

LEGAL DESCRIPTION. Riley Gulch Common Allotment #08920 and Crawford and Kerlee Allotment #08916, T7S R96W several sections. (See map in Attachment 1).

APPLICANT. Grazing Permittee

DESCRIPTION OF PROPOSED ACTION. The Proposed Action is to issue a term grazing permit. The number/kind of livestock, period of use, percent public land and Animal Unit Months (AUMS) will remain the same as the previous permit. The permit would be issued for a 10-year period unless base property is leased for less. In the case of a base property lease the permit would be issued for the term of the lease. The proposed action is in accordance with 43 CFR 4130.2. Scheduled grazing use and grazing preference for the permit are summarized in Tables 1 and 2 below.

Table 1. Scheduled Grazing Use.

| Allotment Name & No. | Livestock Kind & Number | Period of Use | %PL | AUMs |
|--------------------------|-------------------------|---------------|-----|------|
| Riley Gulch #08920 | 26 Cattle | 05/13 – 06/15 | 100 | 29 |
| Crawford & Kerlee #08916 | 20 Cattle | 05/01 – 06/15 | 25 | 8 |
| | 30 Cattle | 10/29 – 10/30 | 100 | 2 |

Table 2. Grazing Preference (AUMs).

| Allotment Name | Active AUMs | Suspended AUMs | Total AUMs |
|--------------------------|-------------|----------------|------------|
| Riley Gulch #08920 | 29 | 0 | 29 |
| Crawford & Kerlee #08916 | 10 | 0 | 10 |

The following terms and conditions will be included on the permit:

1. Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turnout. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours advance notice of any maintenance work that will involve heavy equipment. Disturbed areas will be reseeded with a certified weed-free seed mixture of native species adapted to the site.
2. The permittee and all persons associated with grazing operations must be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until further notified in writing to proceed by the authorized officer.

LAND USE PLAN (LUP) CONFORMANCE REVIEW. The proposed action is subject to the following plan:

Name of Plan. Glenwood Springs Resource Management Plan

Date Approved. Jan. 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development

Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; and amended in September 2002 – Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in September 2009; and amended in October 2012 - Approved Resource Management Plan Amendments/ Record of Decision (ROD) for Solar Energy Development in Six Southwestern States.

- ✓ The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Language: The action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20). Administrative actions states, "Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan". The livestock grazing management objective as amended states, "To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards."

- The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

REVIEW OF EXISTING NEPA DOCUMENTS. List by name and date all existing NEPA documents that cover the Proposed Action.

Name of Document. Environment Assessment #DOI-BLM-CO-N040-2010-0016-EA - Grazing Permit Renewal on the Riley Gulch and Crawford & Kerlee Allotments.

Date Approved. March 17, 2010

List by name and date any other documentation relevant to the Proposed Action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Name of Document. Land Health Assessment Rifle-West Watershed Evaluation and Determination.

Date Approved. August 31, 2005

NEPA ADEQUACY CRITERIA.

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently

similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes. The current Proposed Action was analyzed in the above mentioned Environmental Assessment. The proposed action is essentially similar to the action analyzed in the existing document.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Documentation of answer and explanation: Yes. The existing NEPA document analyzed the proposed action. No unresolved conflicts concerning alternative uses of available resources were identified through public scoping; therefore, other alternatives were not analyzed. The same applies to the current proposed action given current concerns, interests, and resource values.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: Yes. The analysis contained in the existing NEPA document remains valid in light of new studies and/or resource assessment information. The circumstances upon which the existing NEPA document is based remain valid and germane to the Proposed Action. No new threatened, endangered or sensitive species have been identified on the allotment and the Proposed Action would not adversely impact migratory birds per EO 13186.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes. The current Proposed Action is essentially similar to what was analyzed in the existing NEPA document. The direct, indirect and cumulative impacts would be the same as those identified in the existing NEPA document. The environmental assessment thoroughly reviewed the many specific environmental impacts including vegetation, water resources, air quality, wildlife, cultural, threatened and endangered species, wilderness, and riparian resources.

5. Are the public involvement and interagency review associated with the existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: Yes. For the existing NEPA document, notices of public scoping were issued through Colorado BLM's internet web page

seeking public comments on grazing permit/lease renewals. No comments specific to the proposed action were received.

INTERDISCIPLINARY REVIEW.

Table 3. BLM Interdisciplinary Team Authors and Reviewers.

| Name | Title | Responsibility |
|-----------------|--|---|
| Isaac Pittman | Rangeland Management Specialist | NEPA Lead, Range Management, |
| Carla DeYoung | Ecologist | Areas of Critical Environmental Concern; Vegetation; T/E/S Plants; Land Heath Stds, Wetlands & Riparian Zones |
| Pauline Adams | Hydrologist | Air Quality, Water Quality, Soils, Geology |
| Greg Wolfgang | Outdoor Recreation Planner | VRM, Recreation, Travel Management |
| Kimberly Miller | Outdoor Recreation Planner | Wild and Scenic Rivers, Wilderness, Recreation, Caves |
| Erin Leifeld | Archaeologist | Cultural Resources and Native American Concerns |
| Hilary Boyd | Wildlife Biologist | Migratory Birds, Terrestrial Wildlife, Aquatic Wildlife, T/E/S Terrestrial & Aquatic Wildlife |
| Kristy Wallner | Rangeland Management Specialist | Invasive, Non-Native Species (Noxious Weeds) |
| Brian Hopkins | Planning and Environmental Coordinator | NEPA Compliance |

REMARKS.

1. CULTURAL RESOURCES AND NATIVE AMERICAN RELIGIOUS CONCERNS.

Table 4. Cultural Resources Assessment Summary.

| Allotment Name and Number | Land Status | Acres Inventoried at a Class III level | Acres NOT Inventoried at a Class III Level | Percent Allotment Inventoried at a Class III Level (%) | # of Cultural Resources known in Allotment | Potential of Historic Properties | Management Recommendations (Additional inventory required and historic properties to be visited) |
|----------------------------|-------------|--|--|--|--|----------------------------------|--|
| Crawford and Kerlee #08916 | BLM | 94.1 | 679.8 | 12.2% | 1 | Moderate | No additional inventory required and no properties to visit |
| Riley Gulch Common #08920 | BLM | 506.6 | 851.3 | 37.3% | 3 | Moderate | No additional inventory required and no properties to visit |

A total of six cultural resource inventories (CRVFO CRIR# 1276, 1257, 1273, 1283, 9476, 1107-35) have been previously conducted within the Crawford and Kerlee Allotment #08916 resulting in the survey coverage of 94.1 acres at a Class III level. One cultural resource has been documented within these inventories, a not eligible historic site (5EA.4079.1), for the National Register of Historic Places (NRHP). Looking at the GLO records for T6S R96W from 1890 there is nothing to indicate historic sites within the allotment boundaries; however, the survey from 1914 there is potential for a historic ditch and homesteads in the surround area.

In the Riley Gulch Common Allotment #08920, a total of 26 cultural resource inventories (CRVFO CRIR# 191, 981, 983, 1088, 1164, 1199, 1227, 1237, 9482, 94101, 94106, 1198-4, 1198-5, 1199-2, 1100-4, 1104-1, 1107-5, 1107-33, 12712-7, 1112-15; OAHP# GF.LM.NR987, GF.LM.NR350, GF.LM.R65, GF.LM.NR409, GF.LM.R78, GF.LM.NR452) have been previously conducted resulting in the survey coverage of 506.6 acres at a Class III level. Three cultural resources have been documented with these inventories and include three not eligible historic isolated finds (5GF.1755, 5GF.1754, 5GF.4078) for the National Register of Historic Places (NRHP). Looking at the GLOs for T6S R96W from 1890 and 1914, and for T7S R96W from 1890 and 1921, there is nothing to indicate historic sites within the allotment boundaries.

No additional inventory or monitoring was required during the previous assessment of these allotments. Additionally, this assessment does not require additional inventory and there are no sites to monitor during the term of this permit.

The cultural resource evaluation of this allotment describing known cultural resources and their condition was sent to the Southern Ute Indian Tribe, Ute Mountain Ute Tribe, and the Uinta and Ouray Agency Ute Indian Tribe. The letter, sent on November 19, 2014, requested the tribes to identify issues and areas of concern within the allotment. No comments were received at that time.

NAME OF PREPARER. Isaac Pittman
Date: 1/23/2015

CONCLUSION.

Based on the review documented above, I conclude that this proposal conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

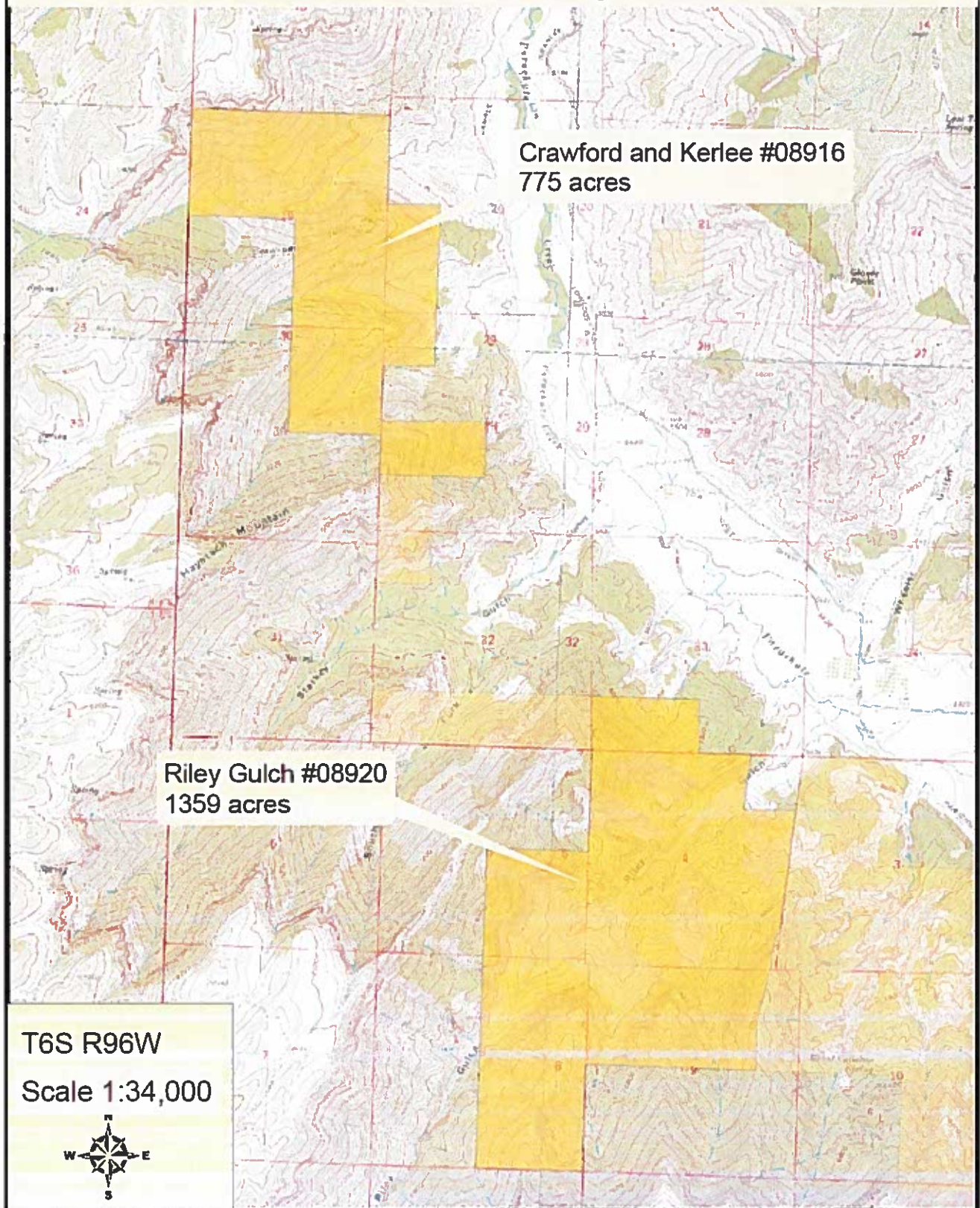
Signature.

Authorizing Official: Karl R. Mendonca Date: 1/23/2015
Karl R. Mendonca, Acting Field Manager

The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Attachment 1. Map of Riley Gulch and Crawford and Kerlee Allotments

Crawford and Kerlee and Riley Gulch Allotments





United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Colorado River Valley Field Office
2300 River Frontage Road
Silt, CO 81652



IN REPLY REFER TO:
ON 0504804(CON040)

CERTIFIED MAIL 7013 2630 0000 2832 6840
RETURN RECEIPT REQUESTED

Brian Bivins
6395 County Road 215
Parachute, CO 81635

NOTICE OF PROPOSED DECISION

Dear Mr. Bivins:

Introduction & Background.

On December 31, 2014 your grazing permit on the Crawford and Kerlee #08916 and Riley Gulch Common #08920 Allotments expired, and to be renewed the permit has undergone review for conformance with the land use plan and compliance with the National Environmental Policy Act (NEPA). The review and NEPA compliance has been completed as documented in Documentation of NEPA Adequacy (DNA) # DOI-BLM-CO-N040-2015-0006-DNA. A copy of the DNA is enclosed. Renewal of the permit has also been reviewed for compliance with 43 Code of Federal Regulations (CFR) 4110.1(b)(1) which requires a satisfactory record of performance prior to renewal.

Proposed Decision.

As a result of this process, it is my proposed decision to renew grazing permit No. 0504763 for a period of 5 years April 1, 2015 – December 31, 2020. My Proposed Decision results in no changes to the previously authorized use. Please review your authorized use and terms and conditions outlined below.

Table 1. Scheduled Grazing Use.

| Allotment Name & Number | Livestock Kind & Number | Period of Use | %PL | AUMs |
|----------------------------|-------------------------|---------------|-----|------|
| Crawford and Kerlee #08916 | 20 Cattle | 05/01 – 6/15 | 25 | 8 |
| | 30 Cattle | 10/29 – 10/30 | 100 | 2 |
| Riley Gulch Common #08920 | 26 Cattle | 05/13 – 06/15 | 100 | 29 |

Table 2. Grazing Preference (AUMs).

| Allotment Name | Active AUMs | Suspended AUMs | Total AUMs |
|-------------------------------|-------------|----------------|------------|
| Crawford and Kerlee #08916 | 10 | 0 | 10 |
| Riley Gulch Common #08920 | 29 | 0 | 29 |

Terms and Conditions.

The following terms and conditions will be included on the permit:

1. Maintenance of range improvements is required and shall be in accordance with all approved cooperative agreements and range improvement permits. Maintenance shall be completed prior to turnout. Maintenance activities shall be restricted to the footprint (previously disturbed area) of the project as it existed when it was initially constructed. The Bureau of Land Management shall be given 48 hours advance notice of any maintenance work that will involve heavy equipment. Disturbed areas will be reseeded with a certified weed-free seed mixture of native species adapted to the site.
2. The permittee and all persons associated with grazing operations must be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law. If in connection with allotment operations under this authorization any of the above resources are encountered, the proponent shall immediately suspend all activities in the immediate vicinity of the discovery that might further disturb such materials and notify the BLM authorized officer of the findings. The discovery must be protected until further notified in writing to proceed by the authorized officer.

Rationale for the Proposed Decision.

Issuance of the grazing permit is in conformance with the Glenwood Springs Resource Management Plan (RMP), approved January, 1984, revised 1988, amended in November 1991 - Oil and Gas Leasing and Development - Final Supplemental Environmental Impact Statement; amended Nov. 1996 - Colorado Standards and Guidelines; amended in August 1997 - Castle Peak Travel Management Plan; amended in March 1999 - Oil and Gas Leasing & Development Final Supplemental Environmental Impact Statement; amended in November 1999 - Red Hill Plan Amendment; amended in September 2002 - Fire Management Plan for Wildland Fire Management and Prescriptive Vegetation Treatment Guidance; amended in June 2007 - Record of Decision for the Approval of Portions of the Roan Plateau Resource Management Plan Amendment; and amended in March 2009 - Record of Decision for the Designation of Areas of Critical Environmental Concern for the Roan Plateau Resource Management Plan.

The proposed action is in conformance with Administrative Actions (pg. 5) and Livestock Grazing Management (pg. 20) of the Glenwood Springs RMP. Administrative actions states, "Various types of actions will require special attention beyond the scope of this plan. Administrative actions are the day-to-day transactions required to serve the public and to provide optimal use of the resources. These actions are in conformance with the plan". The livestock grazing management objective as amended states, "To provide 56,885 animal unit months of livestock forage commensurate with meeting public land health standards."

My proposed decision is based on the findings of the analyses contained in Environmental Assessment #DOI-BLM-CO-N040-2010-0016-EA. The analysis indicated that under the proposed grazing permit the current conditions and land health standards in the Crawford and Kerlee #08916 and Riley Gulch Common #08920 Allotments are expected to be maintained or improved. The grazing use proposed allows for adequate plant growth recovery and promotes healthy rangelands as it relates to rangeland standards.

Authority.

43 CFR 4100.0-8 states: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0- 5(b)."

43 CFR 4110.2-2(a) states: "Permitted use is granted to holders of grazing preference and shall be specified in all grazing permits or leases. Permitted use shall encompass all authorized use including livestock use, any suspended use, and conservation use, except for permits and leases for designated ephemeral rangelands where livestock use is authorized based upon forage availability, or designated annual rangelands. Permitted livestock use shall be based upon the amount of forage available for livestock grazing as established in the land use plan, activity plan or decision of the authorized officer under § 4110.3-3, except, in the case of designated ephemeral or annual rangelands, a land use plan or activity plan may alternatively prescribe vegetation standards to be met in the use of such rangelands."

43 CFR 4130.2(a) states: "Grazing permits or leases authorize use on the public lands and other BLM-administered lands that are designated in land use plans as available for livestock grazing. Permits and leases will specify the grazing preference, including active and suspended use. These grazing permits and leases will also specify terms and conditions pursuant to §§4130.3, 4130.3-1, and 4130.3-2."

43 CFR 4130.2(d) states: "The term of the grazing permits or leases authorizing livestock on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless -- (1) The land is being considered for disposal; (2) The land will be devoted to a public purpose which precludes grazing prior to the end of 10 years; (3) The term of the base property lease is less than 10 years, in which case the term of the Federal permit or lease shall

coincide with the term of the base property lease; or (4) the authorized officer determines that a permit or lease for less than 10 years is the best interest of sound land management.”

43 CFR 4130.3 states: “Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.”

43 CFR 4130.3-1(a) states: “The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.”

43 CFR 4130.3-2 states: “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands.”

43 CFR 4160.1(a) states: “Proposed decisions shall be served on any affected applicant, permittee or lessee and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of the proposed decisions shall also be sent to the interested public”.

Protest and/or Appeal.

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Karl Mendonca, Acting Field Manager, Bureau of Land Management, 2300 River Frontage Road, Silt, Colorado 81652 within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR 4160.3 (a), in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

In accordance with 43 CFR 4160.3 (b) upon a timely filing of a protest, after a review of protests received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.3 and 4160 .4. The appeal must be filed within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 and 4.479, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. The person/party must also serve a copy of the appeal on any

person named [43 CFR 4.421(h)] in the decision and the Office of the Solicitor, United States Department of Interior, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer and serviced in accordance with 43 CFR 4.473. Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

Please take a moment to review your enclosed grazing permit. A copy of the Environmental Assessment (EA) associated with your permit renewal is also enclosed. **If you do not have any concerns with the permit as offered, please sign, date, and return both copies to our office.** If you have any questions, contact Isaac Pittman of my range staff at 970-876-9069.

Sincerely,


Karl Mendonca

Acting Field Manager

1/23/2015
Date

Enclosure(s)
BLM Form 4130-2a (Grazing Permit)
Documentation of NEPA Adequacy (# DOI-BLM-CO-N040-2015-0006-DNA)